

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JOHN HUBER,**

**Plaintiff,**

**v.**

**PRO CUSTOM SOLAR, LLC, d/b/a/  
MOMENTUM SOLAR**

**Defendant.**

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**3:19-CV-01090  
(JUDGE MARIANI)**

**ORDER**

The background of this Order is as follows: In November of 2019, the parties notified the Court of multiple discovery disputes that had arisen in this matter. In a November 22, 2019 joint letter by the parties (Doc. 33), Plaintiff sought to compel Defendant to provide responses to his Requests for Production Numbers 16 and 17. On September 30, 2020, the Court held a telephone conference call to address the dispute. After hearing arguments from both sides, the Court ruled that Defendant was ordered to respond to Plaintiff's Requests for Production Numbers 16 and 17, with the stipulation that a privilege log be submitted for any documents that are subject to a privilege. Defendant agreed to produce all documents consistent with the Court's Order by November 6, 2020.

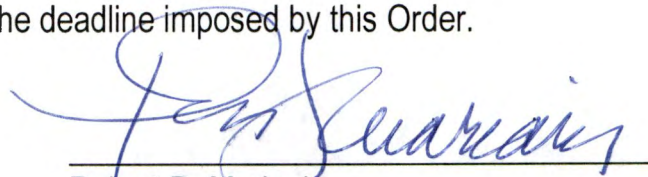
On November 22, 2020, the parties filed a joint letter (Doc. 47) advising the Court of Defendant's failure to provide certain discovery following the Court's September 30, 2020 Order. On December 7, 2020, the Court held a second telephone conference call to address the ongoing dispute. After hearing from both parties as to Plaintiff's request for

certain telemarketing “call detail records,” the Court ruled that Defendant was ordered to produce, no later than December 31, 2020, the requested call detail records.

On January 6, 2020, the Court received another joint letter from the parties (Doc. 52) advising the Court of Defendant’s failure to produce the requested call detail records by the December 31, 2020 deadline.

**AND NOW, THIS 8<sup>th</sup> DAY OF JANUARY 2021**, upon review of the parties’ joint letter setting forth the ongoing discovery dispute in this action (Doc. 52), **IT IS HEREBY ORDERED THAT:**

1. Defendant shall produce, **within 14 days of the date of this Order**, the requested “call detail records” as an excel file, in either the “.csv” or “.txt” document format.
2. If Defendant fails to provide Plaintiff with the requested documents by the deadline imposed by this Order, the Court will impose sanctions, which will require Defendant to pay Plaintiff’s reasonable attorney’s fees incurred by Plaintiff in connection with this dispute, beginning with Plaintiff’s original discovery request. Sanctions may also include an additional monetary assessment for each day Defendant fails to produce the requested document beyond the deadline imposed by this Order.



Robert D. Mariani  
United States District Judge